



Town of Underhill

Development Review Board

P.O. Box 120, Underhill, VT 05489
www.underhillvt.gov

Phone: (802) 899-4434, x106
Fax: (802) 899-2137

Development Review Board

STAFF REPORT

To: DRB
From: Underhill Planning and Zoning
Date: December 18, 2017
Re: Agenda and Information for 12/18/2017

AGENDA

Monday, December 18, 2017 – Public Hearings
Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT

- 6:30 PM Open Meeting, Public Comment Period
- 6:35 PM Conditional Use Review – Construction of a Parking Lot in Front of the Front Building Line
Applicant(s): Poker Hill School, Inc.
Docket #: DRB-17-17
Location: 216 Poker Hill Road (PH216)
- 7:05 PM Sketch Plan Review – 2 Lot Subdivision
Applicant(s): Kenneth D. Hall
Docket #: DRB-17-18
Location: 4 Blakey Road (BL004)
- 8:00 PM Other Business
• Approve December 4, 2017 Minutes
- 9:00 PM Adjourn

Hall Sketch Plan Review

Sketch Plan Review of Kenneth D. Hall's Proposal for a 2-Lot Subdivision

Docket #: DRB-17-18

Applicant(s): Kenneth D. Hall
Consultant: N/A
Property Location: 4 Blakey Lane (BL004)
Acreage: ± 12.57 Acres
Zoning District(s): Rural Residential

	<u>Rural Residential</u>	<u>Proposed Lot 1</u>	<u>Proposed Lot 2</u>
Lot Size:	3.0 Acres	± 3.34 Acres	± 9.23 Acres
Frontage:	250 Feet	~345 Feet	~411
Setbacks:			
• Front:	30 Feet	TBD	TBD
• Side 1:	50 Feet	TBD	TBD
• Side 2:	50 Feet	TBD	TBD
• Rear:	50 Feet	TBD	TBD
Max. Building Coverage:	25%	TBD	TBD
Max. Lot Coverage:	50%	TBD	TBD
Maximum Height:	35 Feet	TBD	TBD

2014 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.3 – Rural Residential District (pg. 9)
- Article III, Section 3.2 – Access (pg. 27)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 35)
- Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 41)
- Article III, Section 3.17 – Source Protection Areas (pg. 52)
- Article III, Section 3.18 – Steep Slopes (pg. 53)
- Article III, Section 3.19 – Surface Waters & Wetlands (pg. 60)
- Article III, Section 3.22 – Water Supply & Wastewater Systems (pg. 65)
- Article VI – Flood Hazard Area Review (pg. 120)
- Article VII, Section 7.2 – Applicability (pg. 132)
- Article VII, Section 7.3 – Sketch Plan Review (pg. 134)
- Article VIII – Subdivision Standards (pg. 143)

CONTENTS:

- a. Exhibit A – Hall Sketch Plan Review Staff Report
- b. Exhibit B – BL004 Rules of Procedure – Sketch Plan Review
- c. Exhibit C - Application for Sketch Plan Review
- d. Exhibit D - Sketch Plan Review Checklist

- e. Exhibit E - Letter of Request for Sketch Plan Review
- f. Exhibit F - Certificate of Service
- g. Exhibit G - Existing Lot Configuration
- h. Exhibit H - Proposed Subdivision
- i. Exhibit I - Special Flood Hazard Area Map Submitted by Applicant
- j. Exhibit J - Surface Water Map Submitted by Applicant
- k. Exhibit K - ANR Slopes Map
- l. Exhibit L - ANR Streams & Waterbodies Map
- m. Exhibit M - ANR Special Flood Hazard Area Map
- n. Exhibit N - ANR Habitat Blocks Map
- o. Exhibit O - ANR Prime Agricultural Soils Map
- p. Exhibit P - Picture of Proposed Lot

COMMENTS/QUESTIONS

1. **TABLE 2.3 – RURAL RESIDENTIAL:** As the applicant advances in the subdivision process, Staff will be able to confirm if the yet to be established building envelope will satisfy the setback requirements of the district.
2. **SECTION 3.2 – ACCESS:** If granted acceptance, the applicant shall apply for a preliminary access permit prior to the preliminary subdivision review hearing.
3. **SECTION 3.2 – ACCESS:** The applicant will be required to ascertain an exact location of any proposed driveway and any changes to the existing driveway prior to preliminary subdivision review. A road profile should also be submitted at that time.
4. **SECTION 3.18 – STEEP SLOPES:** As currently configured, only the proposed Lot 2 will be able to be subsequently subdivided; however, the steep slopes and Roaring Brook will complicate the construction of the driveway needed to access the hypothetical lot, which would have to be located towards the rear of Lot 2.
5. **SECTION 8.2.A – DEVELOPMENT SUITABILITY:** Staff recommends that the applicant inform the Board of the type of work performed on the proposed Lot 2 so the Board can evaluate if there would be any undue adverse impacts to the natural environment.
6. **SECTION 8.2.F – LOT LAYOUT:** Due to configuration of the lot, the location of Roaring Brook, and the location of steep slopes & very steep slopes, the feasibility of accessing the subsequent hypothetical lot would be less feasible from Poker Hill Road, and would likely need to be accessed from Blakey Road.
7. **SECTION 8.3.B – SURFACE WATERS, WETLANDS & FLOODPLAINS:** The building envelope shall incorporate the setback requirement of Roaring Brook. Since a Floodplain encompasses Roaring Brook, the setback is 100 feet as measured from the “Top of the Bank.”
8. **SECTION 8.3.C – ROCK OUTCROPS, STEEP SLOPES, HILLSIDES & RIDGELINES:** When illustrating the building envelope, the applicant shall identify a building envelope that does not include these areas to the extent physically feasible.

REVIEW OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS

ARTICLE II, TABLE 2.3 – RURAL RESIDENTIAL (PG. 9)

The purpose of this district is to accommodate medium density development on land that has access to public roads where traditional development has taken place, where soil cover is thicker than on the hillside. This district allows for the continuation of existing commercial, residential,

and public uses and to encourage future development, particularly along Route 15, Poker Hill Road and Irish Settlement Road that is compatible with these historic uses.

Staff finds that the applicants proposal meets the purpose statement of the rural residential district. As currently proposed, the dimensional requirements of the proposed subdivision meet the district's minimum acreage and frontage requirements. As the applicant advances in the subdivision process, Staff will be able to confirm if the yet to be established building envelope will satisfy the setback requirements of the district.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS (PG. 27)

The applicant has forgone applying for a preliminary access permit on the recommendation from Staff in order to determine the feasibility of subdividing. If granted acceptance, the applicant shall apply for a preliminary access permit prior to the preliminary subdivision review hearing.

The applicant has communicated that he intends that Lot 2 will; be accessed off of Poker Hill Road. The applicant will be required to ascertain an exact location of any proposed driveway and any changes to the existing driveway prior to preliminary subdivision review. A road profile should also be submitted at that time.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS (PG. 35)

That applicant has advised that the parent lot will be retaining the existing house (Lot 1). At this time, Staff is unable to confirm that the existing house meets the setback requirements per Table 2.3.D. Lot, yard & setback requirements, in addition to the frontage requirement, will need to be confirmed during preliminary subdivision review after the subdivision plans have been submitted.

The applicant has not requested any lot, yard, or setback waivers at this time.

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS (PG. 41)

Staff makes no findings regarding parking, loading and service areas; however, assumes that the applicant could easily satisfy this requirement.

SECTION 3.17 – SOURCE PROTECTION AREAS (PG. 52)

Staff finds that the property to be subdivided is not within any source protection areas.

SECTION 3.18 – STEEP SLOPES (PG. 53)

Staff finds that there are areas of steep slopes (15-25%) and areas of very steep slopes (>25%) that exist on the existing lot (see Exhibit K). The areas of steep slopes and very steep slope will be located on the proposed Lot 2, in the vicinity of Roaring Brook. As currently configured, only the proposed Lot 2 will be able to be subsequently subdivided; however, the steep slopes and Roaring Brook will complicate the construction of the driveway needed to access the hypothetical lot, which would have to be located towards the rear of Lot 2.

SECTION 3.19 – SURFACE WATERS & WETLANDS (PG. 60)

Staff finds that Roaring Brook traverses the parent lot (see Exhibit L). When submitting the site plan for preliminary subdivision review, when depicting the building envelope the applicant shall incorporate the 100 feet setback from the “top of the bank” since Roaring Brook is encompassed by a Floodplain.

Staff notes that there were no wetlands identified on the property according the ANR Atlas Website.

SECTION 3.22 – WATER SUPPLY & WASTEWATER SYSTEMS (PG. 65)

Staff makes no findings regarding the water supply and wastewater systems as no correspondence with the State of Vermont, Department of Conservation, has been provided at this time. When submitting the site plan for preliminary subdivision review, the applicant should illustrate the well shield and septic/leachfield separation zones.

ARTICLE VI – FLOOD HAZARD AREA REVIEW

Staff finds that there are floodplains on the existing lot. The setback requirement for Roaring Brook under Section 3.19 above will like inhibit any development within this area; however, if the applicant does propose any development in the floodplain, he should submit the required materials as outlined under this Article.

ARTICLE VII – SUBDIVISION REVIEW

SECTION 7.2 – APPLICABILITY (PG. 132)

Staff recommends that the proposed subdivision be classified as a minor subdivision, as the proposal meets the requirements of Section 7.2.E.1.a.

SECTION 7.3 – SKETCH PLAN REVIEW (PG. 137)

Sketch Plan review is an informal, pre-application review process intended to acquaint the Development Review Board with a proposed subdivision during the conceptual stage of the design process, before the applicant incurs significant expense in preparing a formal application. This informal review and discussion at a regular meeting of the Development Review Board helps identify the type of subdivision and subdivision layout that will best meet the needs of the subdivider and the requirements of these regulations.

Staff finds that the applicant has submitted the materials necessary for the Board to make a decision pertaining to the application.

ARTICLE VIII – SUBDIVISION STANDARDS

SECTION 8.1 – APPLICABILITY (PG. 143)

Staff finds that no technical review is needed at this time. The applicant has not requested any waivers at this time.

SECTION 8.2 – GENERAL STANDARDS (PG. 144)

Section 8.2.A – Development Suitability (pg. 144): Staff notes that the applicant has performed some clearing of existing vegetation prior to the submission of this application. In addition, some type of rock formation near what appears to be a stream has been constructed. Staff recommends that the applicant inform the Board of the type of work performed on the proposed Lot 2 so the Board can evaluated if there would be any undue adverse impacts to the natural environment.

Otherwise, Staff does not foresee any undue adverse impacts to the public health and safety or the character of the area in which the proposed development is located. The applicant has not

expressed any intention of setting aside land as open space that would exclude periodic flooding, poor drainage, very steep slopes (>25%), or other known hazards, or that is otherwise not suitable to support structures or infrastructure.

Section 8.2.B – Development Density (pg. 144): The proposed subdivision meets the density requirements per this section.

Section 8.2.C – Existing Conditions (pg. 144): Staff finds that the existing lot has areas of prime agricultural soils (see Exhibit O); however, development can be situated in areas that will not directly impact these soils. Otherwise, the proposed layout of the subdivision and development will not adversely affect any of the existing site features and/or natural amenities listed under this subsection. Additionally, the layout appears to integrate and conserve other existing site features and natural amenities listed in this subsection.

Section 8.2.D – Underhill Town Plan & Development Regulations (pg. 145): Staff finds that the proposed subdivision/development appears to conform to the Underhill Town Plan & the Underhill Unified Land Use & Development Regulations.

Section 8.2.E – District Settlement Patterns (pg. 145): Staff finds that the proposed subdivision/development appears to be consistent with characteristics of the rural zoning districts as described in Section 8.2.E.2.

Section 8.2.F – Lot Layout (pg. 146): Staff finds that the newly created lot (Lot 2), would be the only lot available for subsequent subdivision. Due to configuration of the lot, the location of Roaring Brook, and the location of steep slopes & very steep slopes, the feasibility of accessing the subsequent hypothetical lot would be less feasible from Poker Hill Road, and would likely need to be accessed from Blakey Road. However, the creation of a subsequent lot on the rear portion of Lot 2 would inevitably have associated issues regardless of how the/a subdivision is configured.

Section 8.2.G – Building Envelopes (pg. 146): The applicant has not explicitly illustrated a building envelope at this time. The site plans that the applicant will be required to submit as part of the preliminary subdivision review process shall illustrate a building envelope that incorporates the setback requirement for Roaring Brook as explained in Section 3.19 above, as well as steep slopes as explained in Section 3.18 above.

Section 8.2.H – Survey Monuments (pg. 146): Staff makes no finding regarding this subsection.

Section 8.2.I – Landscaping & Screening (pg. 146): Staff notes that the applicant has already cleared some of the area on the proposed Lot 2. If the applicant proposes development in this area, then the impact to forested areas will be less than if he were to propose development in the forested area located as you get further from Poker Hill Road. However, at this time, the applicant has not submitted enough information to make a determination about this subsection.

Section 8.2.J – Energy Conservation (pg. 147): Staff makes no finding regarding this subsection.

SECTION 8.3 – NATURAL & CULTURAL RESOURCES (PG. 147)

Section 8.3.A – Resource Identification & Protection (pg. 147): Staff is unaware of any significant cultural and natural features necessitating protection.

Section 8.3.B – Surface Waters, Wetlands & Floodplains (pg. 148): Staff finds that the proposed subdivision/development contains Roaring Brook and Floodplains. While the lot lines have been configured to avoid these areas, the building envelope shall incorporate the setback requirement of Roaring Brook. Since a Floodplain encompasses Roaring Brook, the setback is 100 feet as measured from the “Top of the Bank.”

Section 8.3.C – Rock Outcrops, Steep Slopes, Hillsides & Ridgelines (pg. 148): The existing lot contains areas of steep slope and very steep slopes. When illustrating the building envelope, the applicant shall identify a building envelope that does not include these areas to the extent physically feasible.

Section 8.3.D – Natural Areas & Wildlife Habitat (pg. 149): No wintering deer yards have been identified on the existing lot; however there is a priority level 6/7 habitat block located on the lot (see Exhibit N). At this time, there appears to be a negligible adverse impact on other notable natural areas & wildlife habitat if development is placed close to Poker Hill Road.

Section 8.3.E – Historic & Cultural Resources (pg. 150): Staff is unaware of any historic and cultural resources located on the existing lot, and therefore, makes no finding in regards to this subsection.

Section 8.3.F – Farmland (pg. 150): Staff notes that areas of the lot contain statewide prime agricultural soils (see Exhibit O). Staff will be able to better ascertain the impact to these areas upon the submission of more detailed site plans during the preliminary subdivision review phase of the proposed project.

Section 8.3.G – Forestland (pg. 151): Staff finds, according to aerial photography, that the lot is largely forested. The applicant has communicated that he has cleared some of this vegetation, which is evidenced in Exhibit P. If future development were to be placed in the already cleared area, there would be negligible impact to the forestland.

SECTION 8.4 – OPEN SPACE & COMMON LAND (PG. 152)

Section 8.4.A – Open Space (pg. 152): The applicant has not communicated that he intends to designate any land as open space, and therefore, Staff makes no finding at this time.

Section 8.4.B – Common Land (pg. 153): The applicant has not communicated that he intends to designate any land as common land, and therefore, Staff makes no finding at this time.

Section 8.4.C – Legal Requirements (pg. 153): Staff makes no finding regarding this subsection.

Section 8.5 – Stormwater Management & Erosion Control (pg. 153)

Staff makes no finding regarding this Section at this time.

Section 8.6 – Transportation Facilities (pg. 155)

Section 8.6.A – Access & Driveways (pg. 155)

The applicant is proposing to have Lot 2 serviced by its own driveway accessed off of Poker Hill Road. Since the driveway will only be serving one lot, only the standards of Sections 3.2 & 8.6.A apply.

Section 8.6.B – Development Roads (pg. 157): Since the proposed access way is only going to serve one lots, no review under this subsection is required.

Section 8.6.C – Parking Facilities (pg. 160): Staff finds that this subsection does not apply.

Section 8.6.D – Transit Facilities (pg. 160): Staff finds that this subsection does not apply.

Section 8.6.E – Pedestrian Access (pg. 160): Staff makes no finding regarding this subsection.

SECTION 8.7 – PUBLIC FACILITIES & UTILITIES (PG. 161)

Section 8.7.A – Public Facilities (pg. 161): Staff does not anticipate that the proposed subdivision and development will create an undue burden on the existing and/or planned public facilities. This will be confirmed during the Preliminary/Final Subdivision Review process.

Section 8.7.B – Fire Protection (pg. 161): Staff does not anticipate that the proposed subdivision and development will unduly affect the Underhill-Jericho Fire Department's ability to serve. This will be confirmed during the Preliminary/Final Subdivision Review process.

Section 8.7.C – Water Systems (pg. 161): Staff makes no finding regarding this subsection; however, notes that the well shields should be identified on the site plans submitted as part of preliminary subdivision review.

Section 8.7.D – Wastewater Systems (pg. 162): Staff makes no finding regarding this subsection; however, notes that the septic/leach field separation zones should be identified on the site plans submitted as part of preliminary subdivision review.

Section 8.7.E – Utilities (pg. 162): Staff makes no finding regarding this subsection.

SECTION 8.8 – LEGAL REQUIREMENTS (PG. 163)

Staff makes no finding regarding this section.
